

## **REMARKS/ARGUMENTS**

### **I. SUPPORT FOR THE CLAIM AMENDMENTS**

Claim 1 has been amended and claims 17-37 have been canceled. Support for the amendment to claim 1 can be found throughout the specification and originally filed claims, including originally filed claims 1-37 and paragraphs 0014-0019, 0023-0028 and 0031-0033. Accordingly, no new matter has been introduced by way of this amendment. Applicants earnestly request entry of the amendment to claim 1 and cancellation of claims 17-37.

### **II. ALLOWABLE SUBJECT MATTER**

Applicants acknowledge the indication of allowable subject matter (claims 38-57 and previously pending claims 30-31) and wish to thank the Examiner for notification to that effect.

### **III. THE REJECTIONS OF CLAIMS 17-23, 28 AND 32-37 UNDER 35 U.S.C. §102(b) AND (e) ARE MOOT**

The Office Action of May 17, 2006 rejected claims 17-23, 28 and 32-37 under 35 U.S.C. §102(b) and (e). Specifically, the Office Action alleges that Genzer (U.S. Pat. No. 6,423,372) and Genzer (U.S. Pat. No. 6,770,323) anticipate claims 17-23, 28 and 32-37 under 35 U.S.C. §102(b) and (e), respectively. Without agreeing with the interpretation of Genzer set forth in the May 17<sup>th</sup> Office Action, Applicants have cancelled claims 17-23, 28 and 32-37, thus rendering moot the rejections under 35 U.S.C. §102(b) and (e). Applicants request reconsideration and withdrawal of the anticipation rejections.

### **IV. THE REJECTIONS UNDER 35 U.S.C. §103 ARE MOOT OR TRAVERSED**

#### **A. THE REJECTION OF CLAIM 1-7, 15 AND 16 UNDER 35 U.S.C. §103 IS MOOT**

The Office Action of September 7, 2005 rejected claims 1-7, 15 and 16 as allegedly being obvious over Genzer et al. (U.S. Pat. No. 6,423,372 or 6,770,323) in view of Klaerner et al. (U.S. Pat. No. 6,692,914). Without agreeing with the Examiner, applicants have amended claim 1 to

render moot the obviousness rejections. Applicants earnestly request reconsideration and withdrawal of the obviousness rejections.

Applicants reassert and incorporate by reference the previous arguments of record regarding the non-obviousness of the claimed invention over the Genzer references and Klaerner. Indeed, the cited references, alone or in combination fail to teach each and every limitation of the presently presented claims. In particular, any combination of cited references fails to teach a polymeric matrix with chemical sensing particles interspersed therein. Applicants note that this “chemical sensing” limitation was present in previously pending claims 30 and 31 and is present in claims 38-57, all of which were deemed allowable. Accordingly, without agreeing with the obviousness rejections in the May 17<sup>th</sup> Office Action, Applicants assert amended claim 1 is similarly allowable. Applicants earnestly solicit reconsideration and withdrawal of the obviousness rejections.

**B. THE REJECTION OF CLAIMS 9-14 UNDER 35 U.S.C. §103 IS MOOT**

The Office Action of May 17, 2006 rejected claims 9-14 as allegedly “being unpatentable over Genzer et al. (U.S. Pat. No. 6,423,372 or 6,770,323) in view of Klaerner et al. (U.S. Pat. No. 6,692,914) and Hendriks et al. (Pub No.: US 2003/0035786).” (Office Action, page 14). Without agreeing with the Examiner, applicants have amended claim 1 to render moot the obviousness rejections. Applicants earnestly request reconsideration and withdrawal of the obviousness rejection of claims 9-14.

**C. THE REJECTION OF CLAIMS 25-27 AND 29 UNDER 35 U.S.C. §103 IS MOOT**

The Office Action of May 17, 2006 rejected claims 25-27 and 29 as allegedly “being unpatentable over Genzer et al. (U.S. Pat. No. 6,423,372 or 6,770,323) in view of Chen et al. (Pub No.: US 2002/0182633).” (Office Action, page 16). Without agreeing with the May 17<sup>th</sup> Office Action, Applicants have cancelled claims 25-27 and 29, thus rendering moot the obviousness rejection. Applicants request reconsideration and withdrawal of the obviousness rejection.

## CONCLUSION

Claim 1 has been amended and claims 17-37 have been canceled. Support for the amendment can be found throughout the specification and originally filed claims, thus no new matter has been introduced into the pending application.

In view of the amendment to claim 1 and the cancellation of claims 17-37, Applicants assert that the rejections under 35 U.S.C. §§102(b),(e) and 103 are moot.

Should the Examiner believe that further discussion of any remaining issues would advance the prosecution, he or she is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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